

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

NOV 19 2015

MATTHEW J. DYKMAN  
CLERK

In the Matter of the Search of )

(Briefly describe the property to be searched  
or identify the person by name and address) )One "DELSEY" hard-sided suitcase, one pink gift-  
wrapped package, and one polka-dot gift-wrapped  
package. )

Case No.

mr 15-777

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

located in the Judicial District of New Mexico, there is now concealed  
(identify the person or describe the property to be seized):

One "DELSEY" hard-sided suitcase, one pink gift-wrapped package, and one polka-dot gift-wrapped package,  
presently located at the Drug Enforcement Administration, Albuquerque District Office, 2660 Fritts Crossing SE,

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

21 USC 841

Possession with Intent to Distribute a Controlled Substance.


The application is based on these facts:

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is  
 requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

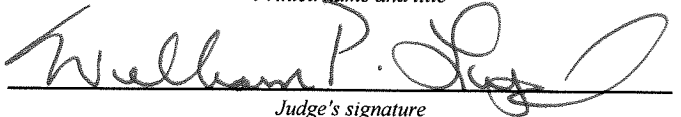
Date: 11-19-2015

City and state: Albuquerque, New Mexico

  
Applicant's signature

Gerald P. Maestas, DEA Special Agent

Printed name and title

  
Judge's signature

William P. Lynch, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION**

I, Gerald P. Maestas, being duly sworn, hereby depose, and state as follows:

I am a Special Agent of the Drug Enforcement Administration (DEA). I have been so employed since August 2000. Prior to my employment with the DEA, I was a Police Officer for eleven years. By virtue of my employment with the DEA, I am authorized to conduct investigations of violations of the Controlled Substances Act. Over the course of my twenty-six years in law enforcement, I have conducted a variety of investigations into violations ranging from simple possession of narcotics to complex international conspiracies. I have also participated in and/or executed many search warrants. I am currently assigned to the Albuquerque District Office Interdiction Group.

This affidavit is offered in support of an application seeking authorization to conduct a search for contraband contained in a black "DELSEY" hard-sided suitcase, a pink gift-wrapped package with pink string bow, and a polka-dot gift-wrapped package with a white bow (hereinafter referred to as the SUBJECT PROPERTY). It is my belief that the SUBJECT PROPERTY currently contains evidence of violations of Title 21 United States Code, Section 841(a) (1), the manufacture, distribution and possession with intent to distribute a controlled substance. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation. I have also relied on the experience and assistance of Special Agent Jarrell Perry and New Mexico State Police K-9 handler Nathan Lucero during this investigation.

### **BACKGROUND OF THE INVESTIGATION**

On November 19, 2015, Special Agent (SA) Gerald Maestas and SA Jarrell Perry reviewed an Amtrak Train Passenger Name Record (PNR) in the name of Joseph SCRUTCHINS. The reservation reflected one-way travel from Los Angeles, California to Atlanta, Georgia. The ticket was reserved electronically on November 13, 2015 with a departure date of November 18, 2015 and the \$1116.00 fare was paid for with a MasterCard charge card. The reservation showed an email address of JOSEPHSCRUTCHINS@gmail.com. The PNR showed travel was reserved for Sleeper Car 430, Room #9 on the eastbound Train #4.

SA Maestas and SA Perry know from training and experience that this type of ticket purchase is often indicative of the transportation of contraband.

At approximately 11:20 a.m., SA Maestas, SA Perry, and Task Force Officer Jimmy Bledsoe were at the Amtrak Train Station in Albuquerque, New Mexico when Train #4 arrived for its regularly-scheduled stop. Agents regularly conduct consensual encounters with Amtrak Train passengers while the train is on its lay-over in Albuquerque. SA Maestas boarded Sleeper Car 430 and observed a male subject sitting in Room #9. The door to the room was closed, but the curtains were open. SA Maestas displayed his DEA badge to the subject who opened the door. SA Maestas greeted the subject, identified himself as a police officer, and asked if he could speak to the subject. The subject gave SA Maestas consent to speak to him. SA Maestas learned that the subject was returning home to Atlanta, Georgia from Los Angeles, California. The subject produced a ticket in the name of Joseph SCRUTCHINS. SA Maestas viewed the ticket and returned it to SCRUTCHINS.

SA Maestas explained his duties in regards to interdiction and asked with how many pieces of luggage SCRUTCHINS was traveling. SCRUTCHINS showed SA Maestas the two bags that he had in the room and advised that he had a bag in the common luggage area in the lower level. SA Maestas asked SCRUTCHINS for consent to search his bags and SCRUTCHINS advised that he did not like people touching his things, but volunteered to show SA Maestas the contents of his bags. This is often an indication that people are traveling with contraband. SA Maestas has in the past had people move items around in their luggage, but attempt to conceal the contraband. SA Maestas stayed outside of the room while SCRUTCHINS showed SA Maestas the contents of his two pieces of luggage. SA Maestas was satisfied that SCRUTCHINS had no contraband in the two pieces of luggage in the room. SA Maestas learned that SCRUTCHINS was involved in the music business and had been in Los Angeles to meet with potential investors, but he had also been in Los Angeles to visit a martial arts school.

SA Maestas asked SCRUTCHINS if he would show him the piece of luggage on the lower level and SCRUTCHINS agreed. SA Maestas followed SCRUTCHINS to the lower level and observed as SCRUTCHINS pulled a large, black hard-sided suitcase from the baggage area to an area near the entrance. The suitcase had a combination lock on it which SCRUTCHINS unlocked. SCRUTCHINS unzipped the suitcase and held it open for SA Maestas. SA Maestas observed two large gift-wrapped packages in the suitcase as well as clear plastic Foodsaver bags, and a roll of aluminum foil. SCRUTCHINS advised SA Maestas that the packages were anniversary gifts. As SCRUTCHINS continued to move the items around in the suitcase, SA Maestas observed a vacuum-sealer in the bag. At one point SCRUTCHINS stood up with a plastic bag in his hand and showed it to SA Maestas. SA Maestas observed that the bag

contained a roll of grey duct tape. All of the items in the suitcase, SA Maestas associates as being packaging materials associated with the smuggling of contraband.

SA Maestas advised SCRUTCHINS that he believed the packages contained drugs and asked for consent to open the packages. SCRUTCHINS refused to allow SA Maestas to open the gift-wrapped packages, but consented to a dog sniff. SCRUTCHINS advised that the packages were gifts for his wife for their anniversary and contained dresses and blouses, and a massager. SCRUTCHINS advised that the packages were professionally wrapped. SA Maestas could see that the packages were dirty, crumpled, torn and clearly not “professionally wrapped”. SA Maestas learned that SCRUTCHINS had taken a flight to Los Angeles on Monday and had boarded the train to return to Atlanta at 6:15 p.m. on Wednesday. SCRUTCHINS was unable to advise agents of the date of his and his wife’s anniversary. SCRUTCHINS carried the suitcase off the train in order to conduct the canine sniff.

SA Perry made contact with New Mexico State Police Officer Nathan Lucero, a certified canine handler, who responded to the Amtrak Train Station with his K-9 “Niko”. Officer Lucero advised SA Maestas that Niko alerted to the presence of controlled substances on the pink gift-wrapped package and on the large black suitcase. SCRUTCHINS advised that he had smoked marijuana and the dog was likely alerting to the odor of marijuana on the dirty clothing in his suitcase.

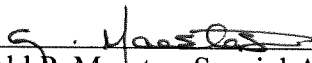
SA Maestas advised SCRUTCHINS that his bag and the packages would be detained and SA Maestas would seek to get a search warrant for the items. As the train was ready to depart, SA Maestas gave SCRUTCHINS one of SA Perry’s business cards and indicated the items that were being seized for a search warrant on the card. SA Perry advised SCRUTCHINS that his

belongings would be shipped to him FedEx overnight to the address provided if no contraband was located. SCRUTCHINS was allowed to continue his travels on the Amtrak Train.

Based on the packaging materials observed in the suitcase, the canine alert to the suitcase and the package, and SCRUTCHINS' explanation for his travels and the presence of the packages, SA Maestas believes that evidence of the transportation of controlled substance is currently located in the SUBJECT PROPERTY.

Wherefore, your Affiant respectfully requests that a search warrant be issued authorizing the search for the items outlined above.

This search warrant and supporting affidavit were approved by Assistant United States Attorney Kimberly Brawley.

  
\_\_\_\_\_  
Gerald P. Maestas, Special Agent  
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence,

November 19, 2015 at Albuquerque, New Mexico

  
\_\_\_\_\_  
William P. Lynch, United States Magistrate Judge